

REMARKS

Claims 1-23 are pending in the instant application. Claims 12-23 have been withdrawn under 37 C.F.R. 1.142(b) pursuant to a restriction requirement. Claims 1-11 have been rejected by the Examiner. The Applicants submit that the originally filed claims 1-11 are in condition for allowance and respectfully request reconsideration and withdrawal of the outstanding rejections. No new matter has been entered.

Claim Rejections Under 35 USC §102

Claim 1 stands rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Publication No. 2004/0236641 to Abbott (hereinafter "Abbott"). Applicants respectfully traverse the rejection for at least the reasons presented herein.

With respect to claim 1, the Examiner states that Abbott discloses “identifying at least one excess component inventory liability or at least one constraint in supply capability for an end product by matching current buying patterns for said end product against inventory liability and supply capability based on a previous demand forecast,” citing by way of example, page 1, paragraph [0005] and page 4, paragraph [0052] in support. The Applicants respectfully disagree. Abbott discloses a method for handling excess demand for parts beyond the parts supplied when machines are dismantled. The process does not require excess or constraint in the supply capability. Note that page 1, line 7 of paragraph [0005] begins with “If”, implying an optional need for excess demand where Applicants claim 1 requires excess inventory or constraint in supply in order to function. The outlined section of Abbott defines the handling of a special case scenario and is not a required component as recited in Applicants’ claim 1. Additionally, page 4, paragraph [0052] of Abbott discloses a method for “generating forecasted demand data for parts” and storing those results for later use in determining the optimal dismantling configuration. The Applicants’ claimed invention uses a *previous* demand forecast as a comparison to current buying patterns to determine whether or not there will be supply excess or shortage. Thus, Abbott fails to teach or suggest, “matching current buying patterns for said end product against inventory liability and supply capability based on a *previous demand forecast*.”

Further, with respect to Applicants' claim 1, Abbott fails to teach or suggest "where excess component inventory liability exists: refocusing said at least one excess component inventory liability by determining alternative end products that use components identified in said at least one excess component inventory liability; and executing sales activities operable for enticing sales of said alternative end products." The Examiner relies in part on page 7, paragraph [0094] in support. However, this portion of Abbott defines a system for categorizing and storing information about excess inventory, while Applicants' claimed invention recites processes that will be used to liquidate excess inventory including "executing sales activities" that would help increase sales of excess inventory. Abbott is entirely devoid of teaching this feature, and is particularly devoid of linking the demand and supply activities to "executing sales activities" as recited in claim 1.

Also, with respect to Applicants' claim 1, Abbott fails to teach or suggest, "where constrained supply capability exists: determining alternative end products that are functionally equivalent to those identified in said at least one constrained supply capability; and executing sales activities operable for enticing sales of functionally equivalent alternative end products." The Examiner points to page 5, paragraph [0069] in support of the rejection. However, this portion of Abbott defines a way of separating excess part demand in two alternate groupings: the first being parts whose demands can be met by dismantling existing machines, the second a list of parts whose demand cannot be by dismantling machines. The solution to the shortage of the parts taught in Abbott is to *seek another source of the parts* to fill the demand. By contrast, Applicants' claimed invention defines a process of seeking out *alternate products* when demand for a requested product cannot be filled. In this manner, a customer's demand may be satisfied without the need to seek alternate sourcing. Thus, by this rationale, Abbott actually teaches away from the features recited in claim 1, as claim 1 seeks to avoid using alternate part sourcing to meet market demands and disclosed in Abbott.

Additionally, with respect to Applicants' claim 1, Abbott fails to teach or suggest, "wherein said sales activities result in reducing said at least one excess component inventory liability or avoiding said at least one constraint in supply capability." The Examiner relies upon page 1 paragraph [0006] in support of the rejection. As disclosed in Abbott, the object is to

create a cost effective means of disposing of excess machine equipment by determining an optimal machine dismantling process to fill any excess demand for parts. The activity recited in this portion of Applicants' claim 1 seeks to avoid excess demand for, or excess supply of, products through various means, as supported in the claims. Thus, Abbott again teaches away from the Applicants' claimed invention, as ***it seeks to avoid of the condition of excess capacity or demand that Abbott's disclosure depends upon***. As Abbott does not teach or suggest each and every element recited in Applicants' claim 1, the Applicants submit that claim 1 is not anticipated by Abbott and, for at least the reasons stated above, is in condition for allowance. Reconsideration and withdrawal of the outstanding rejection is respectfully requested.

Claim Rejections Under 35 USC §103

Claims 3-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Abbott. In addition, claims 2 and 11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Abbott in view of U.S. Patent No. 6,167,380 to Kennedy, et al. (hereinafter "Kennedy"). The Applicants respectfully traverse the outstanding rejections and submit that claims 2-11 are in condition for allowance. For at least the reasons presented above with respect to claim 1, the Applicants submit that claim 1, from which claims 2-11 depend, is in condition for allowance. It is believed that claims 2-11 are in condition for allowance for at least the reason they depend upon an allowable base claim.

CONCLUSION

It is believed that the foregoing remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested. It is submitted that the foregoing remarks should render the case in condition for allowance.

Accordingly, as the cited references neither anticipate nor render obvious that which the Applicants deem to be the invention, it is respectfully requested that claims 1-11 be passed to issue.

If there are any additional charges with respect to this Response, or otherwise, please charge them to Deposit Account No. 50-0510.

Respectfully submitted,

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